

REMARKS

Applicants are canceling claims 1-41 and adding new claims 42-82. Applicants respectfully submit that no new matter is being added by these amendments.

References Not Considered By Examiner

On the copy of Applicants' Information Disclosure Statement included with the Office Action, the Examiner indicated that the non-patent literature documents identified by Applicants were not considered by the Examiner because a hard copy of the documents were not provided by Applicants.

The non-patent literature documents identified by Applicants were submitted to the USPTO in an earlier application. Applicants' Information Disclosure Statement identified this earlier application (U.S. Patent Application No. 09/718,374) as being relied upon for an earlier effective filing date under 35 U.S.C. § 120. Thus Applicants were not required to submit a copy of the non-patent literature documents in this application. 37 C.F.R. § 1.98(d). Applicants respectfully request the Examiner to consider the non-patent literature documents identified by Applicants in their Information Disclosure Statement.

Objections to the Drawings

The Examiner objected to the drawings as including reference characters not mentioned in the specification. Applicants have amended the specification to include references to these method steps. Applicants respectfully submit that no new matter is being added by this amendment to the specification, and that in view of the amendment to the specification no new drawings are required.

Objections to the Specification

Applicants have made amendments to the specification that address the Examiner's objections. Claim 9 has been canceled.

Objections to the Claims

Applicants have canceled all of the original claims. Applicants respectfully submit that none of the new claims suffers from any of the informalities identified by the Examiner.

Rejection under 35 U.S.C. § 112

The Examiner rejected claims 23, 24, 34, and 40 under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which the application regards as the invention, stating that these claims contained trademarks/tradenames. Applicants have cancelled claims 23, 24, 34, and 40, and respectfully submit that none of the new claims contains trademarks or tradenames.

Double Patenting Rejection

The Examiner provisionally rejected claims 1-7 under 35 U.S.C. § 101 as claiming the same invention as that of claims 1-7 of co-pending Application No. 10/698,044. Applicants have canceled claims 1-7 and respectfully submit that none of the new claims claim the same invention as that of claims 1-7 of Application No. 10/698,044.

The Examiner rejected claims 1-6 and 8-10 on the ground of non-statutory obviousness-type double patenting as being unpatentable over claims 1-3, 5-7, 11, 14, 19, and 22 of U.S. Patent No. 6,678,413. Applicants have canceled claims 1-6 and 8-10 and respectfully submit that none of the new claims are obvious in view of any claims in U.S. Patent No. 6,678,413.

Rejection Under 35 U.S.C. § 102

The Examiner rejected claims 1-6 under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,678,413 to Liang et al. ("Liang"). Applicants have canceled claims 1-6 and if the Examiner applies the rejection to any of the new claims, respectfully traverse.

New claims 42, 57, and 75 recite "identifying at least one body part of the animal." Liang does not disclose identifying at least one body part of an animal. Liang does not disclose all of the limitations recited in claims 42, 57, and 75. Claims 42, 57, and 75 are not anticipated by Liang and are in condition for allowance. Claims 43-56 depend from claim 42, and are allowable for at least the same reasons. Claims 58-74 depend from claim 57, and are allowable for at least the same reasons. Claims 76-82 depend from claim 75, and are allowable for at least the same reasons.

The Examiner rejected claims 1, 2, 6-8, and 13 under 35 U.S.C. § 102(b) as being anticipated by JP Patent Application No. 11-296651 to Kawasaki et al. ("Kawasaki"). Applicants have canceled claims 1, 2, 6-8, and 13 and if the Examiner applies the rejection to any of the new claims, respectfully traverse.

Claims 42, 57, and 75 recite "identifying at least one body part of the animal." Kawasaki does not disclose identifying at least one body part of an animal. Kawasaki does not disclose all of the limitations recited in claims 42, 57, and 75. Claims 42, 57, and 75 are not anticipated by Kawasaki and are in condition for allowance. Claims 43-56 depend from claim 42, and are allowable for at least the same reasons. Claims 58-74 depend from claim 57, and are allowable for at least the same reasons. Claims 76-82 depend from claim 75, and are allowable for at least the same reasons.

Rejection Under 35 U.S.C. § 103

The Examiner rejected claims 3, 4, and 5 under 35 U.S.C. § 103(a) as being unpatentable over Kawasaki in view of the reference “A Video Database System for Studying Animal Behavior,” by H. Jiang (“Jiang”). Applicants have canceled claims 3, 4, and 5 and if the Examiner applies the rejection to any of the new claims, respectfully traverse.

New claims 42, 57, and 75 recite “identifying at least one body part of the animal.” As set forth above, Kawasaki does not disclose this limitation. Jiang does not disclose identifying at least one body part of an animal. Neither Kawasaki nor Jiang, alone or in combination, disclose all of the limitations of claims 42, 57, and 75. Claims 42, 57, and 75 are not obvious in view of Kawasaki and Liang and are in condition for allowance. Claims 43-56 depend from claim 42, and are allowable for at least the same reasons. Claims 58-74 depend from claim 57, and are allowable for at least the same reasons. Claims 76-82 depend from claim 75, and are allowable for at least the same reasons.

The Examiner rejected claim 9 under 35 U.S.C. § 103(a) as being unpatentable over Kawasaki in view of U.S. Patent No. 6,757,444 to Matsugu et al. (“Matsugu”). Applicants have canceled claim 9 and if the Examiner applies the rejection to any of the new claims, respectfully traverse.

Claims 42, 57, and 75 recite “identifying at least one body part of the animal.” As set forth above, Kawasaki does not disclose this limitation. Matsugu does not disclose identifying at least one body part of an animal. Neither Kawasaki nor Matsugu, alone or in combination, disclose all of the limitations of claim 42, 57, and 75. Claims 42, 57, and 75 are not obvious in

view of Kawasaki and Matsugu and are in condition for allowance. Claims 43-56 depend from claim 42, and are allowable for at least the same reasons. Claims 58-74 depend from claim 57, and are allowable for at least the same reasons. Claims 76-82 depend from claim 75, and are allowable for at least the same reasons.

The Examiner rejected claim 10 under 35 U.S.C. § 103(a) as being unpatentable over Kawasaki in view of U.S. Patent No. 6,295,367 to Crabtree et al. ("Crabtree"). Applicants have canceled claim 10 and if the Examiner applies the rejection to any of the new claims, respectfully traverse.

Claims 42, 57, and 75 recite "identifying at least one body part of the animal." As set forth above, Kawasaki does not disclose this limitation. Claims 42, 57, and 75 also recite "segregating images of an animal from video images of the animal in a behavioral analysis apparatus, wherein the video images were taken from a top view." Crabtree does not disclose segregating images of an animal from video images of the animal in a behavioral analysis apparatus and does not disclose identifying at least one body part of the animal. Neither Kawasaki nor Crabtree, alone or in combination, disclose all of the limitations of claim 42, 57, and 75. Claims 42, 57, and 75 are not obvious in view of Kawasaki and Crabtree and are in condition for allowance. Claims 43-56 depend from claim 42, and are allowable for at least the same reasons. Claims 58-74 depend from claim 57, and are allowable for at least the same reasons. Claims 76-82 depend from claim 75, and are allowable for at least the same reasons.

The Examiner rejected claims 11, 12, 14-23, 25-28, and 31-41 as being unpatentable over Kawasaki in view of U.S. Patent Application Publication No. 2003/0100998 to Brunner et al.

("Brunner"). Applicants have canceled claims 11, 12, 14-23, 25-28, and 31-41 and if the Examiner applies the rejection to any of the new claims, respectfully traverse.

Claims 42, 57, and 75 recite "identifying at least one body part of the animal." As set forth above, Kawasaki does not disclose this limitation. Brunner does not disclose identifying at least one body part of an animal. Neither Kawasaki nor Brunner, alone or in combination, disclose all of the limitations of claim 42, 57, and 75. Claims 42, 57, and 75 are not obvious in view of Kawasaki and Brunner and are in condition for allowance. Claims 43-56 depend from claim 42, and are allowable for at least the same reasons. Claims 58-74 depend from claim 57, and are allowable for at least the same reasons. Claims 76-82 depend from claim 75, and are allowable for at least the same reasons.

The Examiner rejected claims 24, 29, and 30 under 35 U.S.C. § 103(a) as being unpatentable over Kawasaki in view of Brunner and further in view of U.S. Patent Application Publication No. 2003/0024482 to Gondhalekar et al. ("Gondhalekar"). Applicants have canceled claims 24, 29, and 30 and if the Examiner applies the rejection to any of the new claims, respectfully traverse.

Claims 42, 57, and 75 recite "identifying at least one body part of the animal." As set forth above, neither Kawasaki nor Brunner discloses this limitation. Gondhalekar does not disclose identifying at least one body part of an animal. Neither Kawasaki, Brunner, nor Gondhalekar, alone or in combination, disclose all of the limitations of claim 42, 57, and 75. Claims 42, 57, and 75 are not obvious in view of Kawasaki, Brunner, and Gondhalekar and are in condition for allowance. Claims 43-56 depend from claim 42, and are allowable for at least

the same reasons. Claims 58-74 depend from claim 57, and are allowable for at least the same reasons. Claims 76-82 depend from claim 75, and are allowable for at least the same reasons.

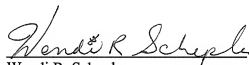
Conclusion

Based on the foregoing amendments, Applicants respectfully submit that all pending claims in the present application are in condition for allowance and respectfully request the issuance of a Notice of Allowance. If a telephone conference would facilitate the prosecution of this application, the Examiner is invited to contact Applicants' attorney at the number listed below.

Respectfully submitted,

Dated: 5/18/2007

By:



Wendi R. Schepler
Reg. No. 43,091
WHITE & CASE LLP
3000 El Camino Real
5 Palo Alto Square, 9th Floor
Palo Alto, CA 94306
T. (650) 213-0323
F. (650) 213-8158